

Court No. - 86

Case :- APPLICATION U/S 482 No. - 40484 of 2023

Applicant :- Munna Patel And 3 Others

Opposite Party :- State Of U.P. And 2 Others

Counsel for Applicant :- Amarnath Tripathi

Counsel for Opposite Party :- G.A.,Anil Kumar
Yadav,Sushil

Hon'ble Rajiv Gupta,J.

1. Heard learned counsel for the applicants, learned AGA for the State, Shri Sushil Ojha, learned counsel for the opposite party nos.2 & 3 and perused the record.
2. Learned counsel for the applicants has submitted that applicants and the opposite party nos.2 & 3 are the next door neighbours and on account of sudden quarrel between the parties, the instant criminal case was instituted against the applicants.
3. Learned counsel for the applicants has next submitted that in respect of the incident, reports were lodged from both the sides and both the sides have suffered injuries.
4. Learned counsel for the applicants has next submitted that during pendency of the trial, the parties have entered into a compromise and made a compromise application dated 15.09.2023 supported by an affidavit, a copy of which has been annexed as Annexure 4 to this application.
5. Learned counsel for the applicants has next submitted that in respect of the incident, a cross case was also lodged by Salik Ram Patel, father of applicant no.1 and the proceedings of the same was challenged in Application U/s 482 No. 41061 of 2023 (Satya Narayan Patel and 2 Others Vs. State of U.P. and 4 Others) and this Court, on the basis of the compromise made between the parties, has quashed the entire proceedings of that case, vide order dated 07.11.2023.
6. Learned counsel for the applicants has next submitted that in view of the said compromise deed dated 15.09.2023 made between the parties as well as since the entire proceedings of cross case i.e Application U/s 482 No. 41061 of 2023 (Satya Narayan Patel and 2 Others Vs. State of U.P. and 4 Others), has already been quashed by this Court, as

such, the entire proceedings of the instant case be also quashed.

7. Learned counsel for the opposite party nos.2 & 3 has also appeared and has filed an affidavit on behalf of opposite party nos.2 & 3, who are the injured witnesses in the instant case and in para 2 of the said affidavit, the compromise made between the parties has been acknowledged. It has further stated that said compromise has been made between the parties voluntarily, without any coercion or undue influence. Further in para 10, it has been stated that opposite party nos.2 & 3 have no objection, if the entire proceedings are quashed.

8. Learned AGA could not dispute the aforesaid facts.

9. This Court is not unmindful of the judgements of the Hon'ble Apex Court in the cases of:-

(i). B.S. Joshi and others Vs. State of Haryana and another, (2003) 4 SCC 675.

(ii). Nikhil Merchant Vs. Central Bureau of Investigation, (2008) 9 SCC 677.

(iii). Manoj Sharma Vs. State and others, (2008) 16 SCC 1.

(iv). Gian Singh Vs. State of Punjab, (2012) 10 SCC 303.

(v). Narindra Singh and others Vs. State of Punjab, (2014) 6 SCC 466.

10. Wherein Hon'ble Apex Court has categorically held that compromise can be made between the parties even in respect of certain cognizable and non-compoundable offences. Reference may also be made to the decision given by this Court in **Shaifullah and others Vs. State of U.P. and another [2013 (83) ACC 278]**, in which, law expounded by Hon'ble Apex Court in the aforesaid cases has been explained in detail.

11. Considering the facts and circumstances of the case, as noted herein above, and also the submissions made by learned counsel for the parties, this Court is of the considered opinion that no useful purpose would be served by prolonging the proceedings of the present case.

12. Accordingly, the entire proceedings of Session Trial No. 473 of 2017 (State Vs. Munna Lal Patel and Others), arising out of Case Crime No. 284 of 2015, under Sections 323, 308, 504, 506 IPC, Police Station Phoolpur, District

Varanasi, pending in the court of Additional District and Sessions Judge, Court No.5, Varanasi, are hereby quashed.

13. This application under Section 482 CrPC is accordingly **allowed.**

Order Date :- 15.12.2023

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